

# DECLARATION FOR PATENT APPLICATION

## DECLARATION:

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled DEVICE AND METHOD FOR GENERATING AND APPLYING OZONATED WATER, which may be identified as Serial No. 10/022,137, filed December 12, 2001.

The persons named as inventors in this application are: Brian T. BOYD, Brian R. WILLIAMS, Michael J. QUINN and Harold A. LUETTGEN.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, as attached.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on the basis of which priority is claimed:

- ☒ no such applications have been filed.  
☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 U.S.C. § 119/365			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under 35 U.S.C. 120/365 of any United States or PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
60/261,534	January 12, 2001	Pending as of filing date
60/254,820	December 12, 2000	Pending as of filing date
60/261,101	January 10, 2001	Pending as of filing date

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Brian T. BOYD
Inventor's Signature:	<i>Brian T. Boyd</i>
Date:	7/16/02
Residence: (City, State and/or Country)	Fort Collins, Colorado
Citizenship:	U.S.A.
Post Address Office:	4325 Silverview Court Fort Collins, Colorado 80526

Inventor's Full Name:	Brian R. WILLIAMS
Inventor's Signature:	<i>Brian R. Williams</i>
Date:	7/16/02
Residence: (City, State and/or Country)	Fort Collins, Colorado
Citizenship:	U.S.A.
Post Address Office:	1440 Edora Road, #2 Fort Collins, Colorado 80525

Inventor's Full Name:	Michael J. QUINN
Inventor's Signature:	<i>Michael J. Quinn</i>
Date:	7/16/02
Residence: (City, State and/or Country)	Windsor, Colorado
Citizenship:	U.S.A.
Post Address Office:	1425 Redwood Drive Windsor, Colorado 80550

Inventor's Full Name:	Harold A. JETTGEN
Inventor's Signature:	<i>Harold A. Jettgen</i>
Date:	7/16/02
Residence: (City, State and/or Country)	Windsor, Colorado
Citizenship:	U.S.A.
Post Address Office:	735 Ponderosa Drive Windsor, Colorado 80550

**§ 1.56 duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

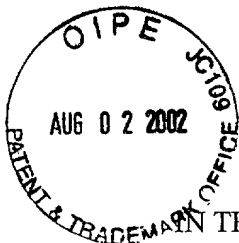
(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Each other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.



PATENT  
Attorney Docket No. 5889.12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Brian T. BOYD, et al.

Serial No. 10/022,137

Filed: December 12, 2001

For: DEVICE AND METHOD FOR  
GENERATING AND APPLYING  
OZONATED WATER

Examiner:

Art Unit: 1746

**POWER OF ATTORNEY BY ASSIGNEE**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

As an officer of Water Pik, Inc. ("assignee"), a Delaware corporation, I hereby certify that to the best of assignee's knowledge and belief it is the assignee of the entire right, title and interest in and to the above-referenced patent application, and represent that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Assignee has reviewed the assignment document that evidences the placement of title in the assignee, a true and accurate copy which is attached hereto, and understands and believes that this assignment document will be or has been submitted for recordation in the U.S. Patent and Trademark Office.

Assignee hereby appoints on its behalf the following patent attorneys to prosecute the patent application identified above and to transact all business in the Patent Office connected therewith:

Dorsey & Whitney LLP  
USPTO Customer No. 20686

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventors.

20020802 14:23:00

Send all correspondence relating to this matter to:

**Lee R. Osman, Esq.**  
DORSEY & WHITNEY LLP  
Customer No. 20686  
370 17th Street, Suite 4700  
Denver, Colorado 80202-5647

Direct all telephone calls to **Lee R. Osman** at **303-629-3434**.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 16<sup>th</sup> day of July, 2002.

ASSIGNEE:

WATER PIK, INC.

By 

Name: Kenneth A. Hair

Title: Vice President – New Products and  
Engineering

Address: 1730 East Prospect Road  
Fort Collins, Colorado 80553-0001

## ASSIGNMENT

WHEREAS, we, Brian T. BOYD, Brian R. WILLIAMS, Michael J. QUINN, and Harold A. LUETTGEN, whose post office addresses are shown below, have made a certain new and useful invention relating to a Device and Method for Generating and Applying Ozonated Water, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 10/022,137 filed on December 12, 2001, for DEVICE AND METHOD FOR GENERATING AND APPLYING OZONATED WATER; and

WHEREAS, we now own the entire right, title and interest therein; and

WHEREAS, Water Pik, Inc., a Delaware corporation, whose post office address is 1730 East Prospect Road, Fort Collins, Colorado 80553-0001, is desirous of acquiring the entire interest in and to said invention, said application or any continuation, continuation-in-part, divisional, renewal, or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, or any reissue or reexamination thereof, to be obtained therefor:


NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto the said Water Pik, Inc., and said assignee's legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application or any continuation, continuation-in-part, divisional, renewal or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or reexamination thereof; and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part,

divisional, renewal, reissued or extended Letters Patent of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.


6/26, 2002

  
Brian T. BOYD  
4325 Silverview Court  
Fort Collins, Colorado 80526

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF LARIMER    )

On this 26<sup>th</sup> day of June, 2002, before me a notary public in and for said county, appeared Brian T. BOYD who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(S E A L)

  
Notary Public

My commission expires: 1/22/06.

JUNE 26<sup>th</sup>, 2002



Brian R. WILLIAMS  
1440 Edora Road, #2  
Fort Collins, Colorado 80525

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )

On this 26<sup>th</sup> day of June, 2002, before me a notary public in and for said county, appeared Brian R. WILLIAMS who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(S E A L)

  
Notary Public

My commission expires: 1/22/06.

JUNE 24<sup>th</sup>, 2002



Michael J. QUINN  
1425 Redwood Drive  
Windsor, Colorado 80550

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )

On this 24<sup>th</sup> day of June, 2002, before me a notary public in and for said county, appeared Michael J. QUINN who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(S E A L)

  
Notary Public

My commission expires: 1/22/06.



6/26, 2002

Harold A. Luetgen  
Harold A. LUETTGEN  
735 Ponderosa Drive  
Windsor, Colorado 80550

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )

On this 26<sup>th</sup> day of June, 2002, before me a notary public in and for said county, appeared Harold A. LUETTGEN who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(S E A L)

Janice M. Brown  
Notary Public

My commission expires: 1/22/06.

2002 JUN 26 10:00 AM